

1 Q Okay. And do you recall the specifics of any
2 communication with Sharon Krause?

3 A Possibly that she had gotten Katie to reveal
4 details about the sexual abuse; that she had spent some
5 hours with her.

6 Q Okay. And then were you yourself able to get
7 Kathryn to relate incidents of sexual abuse after you'd
8 talked to Sharon Krause?

9 A No. I don't have any recollection that she
10 did.

11 MS. ZELLNER: All right. Now, if we skip -- we
12 can skip Plaintiffs' Exhibit 11.

13 Let's go to Plaintiffs' Exhibit 12. It's
14 labeled "Sentencing," and there are -- the Bates stamp at
15 the bottom of the first page is Spencer-01095.

16 (Plaintiffs' Exhibits 11 and 12 were perviously
17 marked for identification and are attached hereto.)

18 BY MS. ZELLNER:

19 Q Do you see that?

20 A Yes.

21 Q Okay. And this paragraph states, "The
22 therapist in the reports and the mother's report that the
23 therapists are saying that it's going to be a long-term
24 process of therapy for these children before they're
25 healthy and the reason for that is the ongoing sexual

1 abuse. Mr. Rulli and I, when we were in Sacramento,
2 talked to the therapist of Matthew Spencer and
3 Kathryn Spencer, and they indicated that the children
4 were experiencing substantial psychological and
5 behavioral problems of the type typically seen in victims
6 of sexual abuse."

7 Stopping there, do you recall talking to
8 Mr. Peters or Mr. Rulli in Sacramento and telling them
9 that the children were experiencing substantial
10 psychological and behavioral problems of the type
11 typically seen in sexual abuse?

12 A I don't have any recollection of that
13 conversation.

14 Q Okay. And then if we go to -- on page -- it's
15 Bates-stamped 01101. It's the last two pages of the
16 exhibit. Page 53. At the bottom it says, "Mr. Rulli."

17 A Is that 01102?

18 Q It's 01101.

19 A Yes.

20 Q Okay. It starts, "Mr. Rulli: Your Honor, in
21 response to Mr. Peters' comments when I interviewed" --
22 dash, dash -- "sat in on the interview with the children
23 in the therapist's office, I got the impression from the
24 therapist that the children were coming along."

25 Do you recall ever sitting in your office with

Objection
to lines
7-8 based
on dkt.
202 at 15,
seeking to
bar
testimony
related to
alleged
interviews
of Matt
and Katie
on May
9th, 1985
in
Sacramento
. If
denied,
Plaintiff
reserves
right to
supplement

See A's
response
to TT's
MIL#
13

1 Mr. Peters and Mr. Rulli with the children in your office
2 having any discussion with them?

3 A No. I don't --

4 MR. FREIMUND: Object to the form. That would
5 be child, not children.

6 But ahead and answer.

7 THE COURT REPORTER: I'm sorry. Who was that?

8 MR. FREIMUND: Jeff Freimund. I'm sorry.

9 BY MS. ZELLNER:

10 Q Do you recall the children, Matt and
11 Katie Spencer, ever being in your office together?

12 A No. I don't recall that.

13 MS. ZELLNER: I don't have any further
14 questions.

15 EXAMINATION

16 BY MR. FREIMUND:

17 Q This is Jeff Freimund. Good morning, Ms. Link.

18 A Good morning.

19 Q I represent one of the defendants in this
20 lawsuit, retired Sergeant Michael Davidson, for the
21 Clark County Sheriff's Office.

22 What I'd like to start out by asking you is
23 that you indicated when you first met with
24 Kathryn Spencer she was displaying anxious and withdrawn
25 behaviors, including curling up in a fetal position.

1 Would you regard that as normal behaviors for a
2 five-year-old girl?

3 A No.

4 Q Would you regard that as indicative behaviors
5 of the possibility that she may have been a victim of
6 sexual abuse?

7 A Possibility but it could also have been due to
8 other things.

9 Q Okay. Did you observe other behaviors of
10 Kathryn Spencer back when you were interacting with her
11 in early 1984 that you would regard as sexualized
12 behaviors?

13 A No. I don't recall that.

14 Q When you say -- you say you don't recall quite
15 often, and that's perfectly understandable. It's been
16 over 25 years.

17 But when you say you don't recall something,
18 does that mean it did not happen or you just don't have a
19 memory of it?

20 A It means I don't have a memory of it
21 happening.

22 Q Do you recall being made aware from
23 Kathryn Spencer's mother that she believed Kathryn was
24 engaging in excessive masturbation?

25 A I don't recall that.

Objecti
on -
irrelev
ant;
answer
was
clear
and
unambig
uous

Goes
to
weight
of testimony
-see
9th Cir.
model
Instr.
1.11

1 Q Okay. Again, when you say you don't recall
2 that, it doesn't mean it didn't happen. It just means
3 you don't remember it. Right?

Objection
-Asked
and
answered

4 A Right.

5 Q Okay. When you use the word that you believed
6 Kathryn Spencer was anxious and withdrawn, what were some
7 of the symptoms of what you regarded as anxious
8 behaviors? Can you describe something more than just
9 that conclusion?

10 A She curled up on the floor underneath a blanket
11 and didn't talk for the first several sessions.

12 Q Anything else that you remember that you would
13 regard as symptomatic of anxious behavior?

14 A I don't remember other behaviors.

15 Q Okay. You stated that you didn't remember
16 Deanne Spencer, Kathryn Spencer's mother, participating
17 in therapy sessions.

18 Is that something that you just don't recall or
19 are you saying that never happened?

20 A I'm saying I don't recall that.

21 Q So it could have happened and you just don't
22 remember; is that right?

Objection
-Asked and
answered;
cumulative;
argumentative

23 A I don't recall that.

24 Q I understand you don't recall that. My
25 question is though, even though you don't recall it, it

goes
to
weight
of
testimony
&
memory
see
9th Cir.
Model
Instr.
1.11

1 still might have happened. You just don't have a memory
2 of it 25 years later. Right?

3 A I don't recall it.

4 Q All right. Would it be your normal practice
5 when providing therapy to children of approximately five
6 years of age to speak with their parents after -- before
7 or after therapy sessions?

8 A Yes.

9 Q Do you believe that you probably complied with
10 that standard practice with this particular child? I.e.,
11 you spoke with her mother on occasion before or after
12 therapy sessions.

13 A Yes. That's very likely.

14 Q Okay. Do you have any recollection of how
15 frequently that would occur? Would it be after every
16 therapy session or how would that typically occur?

17 A I don't have a memory of how often that would
18 occur in that specific case.

19 Q I'm just asking -- I understand you may not
20 have a specific memory, but would it typically be your
21 practice when providing therapy to children of
22 approximately five years of age that you would speak with
23 their parent or parents after every session?

24 A After many sessions.

25 Q Okay. Would it be your belief that more than

1 likely that occurred in this case? That after many or if
 2 not most of the sessions you had with Kathryn you would
 3 speak to her mother?

Objection to
 carry over
 question and
 answer

4 A Likely.

5 Q Okay. Now, you indicated -- well, before I
 6 proceed from there, I know this is a long shot but I'm
 7 going to ask it anyway.

-Speculative

8 Do you have any recollection whatsoever of what
 9 you did speak to Deanne Spencer about after any of the
 10 therapy sessions you had with Kathryn Spencer?

11 A I don't have any specific memories. No.

12 Q Do you have any vague memories?

Objection to lines
 12-13 - calls for
 speculation

13 A No.

14 Q You were asked how many sessions you had with
 15 Kathryn Spencer, and you've acknowledged it was more than
 16 twelve.

17 Can you be a little bit more precise as to what
 18 your best estimate is of how many sessions you had with
 19 Kathryn Spencer over time?

20 A Could have been 25 plus. I'm not sure.

21 Q Do you recall whether your sessions were on a
 22 weekly basis or a different interval of time?

23 A I don't recall.

24 Q Do you recall whether your sessions continued
 25 for more than a year in time or less than a year in

Corroborates
 Krause's
 report of
 the same;
 "Likely"
 is not
 Speculative

1 time?

2 A I don't recall.

3 Q I'd like to direct your attention, if I may
4 please, to Plaintiffs' Group Exhibit 6 that you were
5 asked some questions about and particularly direct your
6 attention to the handwritten notes of some unidentified
7 person that starts with "Ann" at the top and they're
8 under the plaintiffs' lawyer's numbering system,
9 Spencer-00809.

10 Do you see those?

11 A Spencer-00809? Yes.

12 Q Correct.

13 A I see that.

14 Q At the top of that page there, under your first
15 name "Ann," it says, "Began seeing Katie September 12th."

16 A Yes. I see that.

17 Q Does that coincide with your recollection that
18 it was approximately the middle of September of 1984 that
19 you began seeing Kathryn Spencer?

20 A I don't remember the month I started seeing
21 her.

22 Q Do you remember it being in the summertime or
23 early fall?

24 A No.

25 Q Okay. So you can't say one way or the other

1 whether that date of September 14th being the first visit
2 is accurate.

3 Is that the case?

4 A That's the case.

5 Q Okay. Now, you mentioned that you didn't
6 recall Kathryn Spencer talking about sexual abuse with
7 you but you did say she talked about other things with
8 you.

9 What was it she talked about with you during
10 these approximately 25 therapy sessions that you had with
11 her?

12 A I don't recall details of what she talked
13 about.

14 Q Do you recall anything that she talked about?

15 A Not specifically. I don't recall anything she
16 talked about.

17 Q But even though you don't recall anything she
18 did talk about, you -- it's your belief she did not talk
19 to you about sexual abuse or being a victim of sexual
20 abuse.

21 A Yes.

22 Q Is that your testimony?

23 A Yes.

24 Q And you were aware -- were you not? -- That the
25 whole reason why this girl was brought to you for therapy

1 was because there were concerns she might have been a
2 victim of sexual abuse. Right?

3 A Yes.

4 Q Given that awareness, did you direct any of
5 your therapeutic efforts to addressing that concern that
6 she -- this five-year-old girl -- might be a victim of
7 sexual abuse?

8 A Well, my method of therapy with her was
9 nondirective play therapy.

10 Q Okay. Did you make any therapeutic efforts to
11 address the concerns that this five-year-old girl might
12 be the victim of sexual abuse?

13 A I used therapeutic play therapy to encourage --
14 to reduce anxiety and encourage communication and promote
15 positive coping.

16 Q Okay. And do you have any memory at all of
17 whether those therapeutic efforts seemed to have any
18 beneficial effect on Kathryn Spencer?

19 A Yes. She did get less anxious and more
20 communicative.

21 Q But you don't recall what it was that she
22 communicated to you as she improved her communication
23 skills with you; is that accurate?

24 A No. That's accurate.

25 Q Now, you said earlier you don't recall using

1 L anatomic dolls with Kathryn Spencer.

2 Are you testifying that you did not in fact use
3 anatomic dolls with Kathryn Spencer or you just don't
4 have a clear memory of that 25 years later?

5 A I don't recall using anatomical dolls with
6 her.

7 Q So you may have and you just don't remember; is
8 that accurate?

9 A It's possible but not likely.

10 Q Okay. Now, you said that you don't recall that
11 you contacted California law enforcement authorities or
12 CPS to report sexual abuse disclosures by Kathryn Spencer
13 made to you.

Objection
-Line of
questioni
ng from
line 7 to
page 51,
line 1

14 Is it correct that you just don't have a memory
15 of that but you are not testifying that in fact you never
16 made such a call?

has been
asked and
answered

17 A I don't have any memory of making such a
18 call.

-Also
cumulative and
argumentative

19 Q So you might have and you just don't remember
20 it; is that accurate?

21 A I don't remember it.

22 Q I understand you don't remember it, but my
23 question is a little more nuanced than that.

24 Is it true that you might have made such a call
25 and you just do not currently remember doing so?

goes
to
weight
see 9th
Cir. model
Instr.
1.11

1 A I have no recollection of making such a call.

2 Q Is it your understanding if as in this case
3 where you'd been told as a therapist that this child that
4 you are providing therapy to has already disclosed that
5 she was a victim of sexual abuse by her father that if in
6 therapy that child confirmed that to you, you would have
7 an independent obligation to once again disclose that
8 previously disclosed report of abuse? Is that your
9 understanding of your requirements?

10 A Yes.

11 Q So every time a child discusses a sexual abuse
12 incident with you in therapy, each time you have to call
13 CPS.

14 Is that your understanding?

15 A I'm not sure I understand the question.

16 Q I'm just asking for your understanding, ma'am.

17 Is it your understanding that while in the
18 course of therapy of any child, every time that child
19 discloses sexual abuse, even if it's been previously
20 reported, you have to nonetheless report it again? Is
21 that your understanding?

22 A No. That's not my understanding. If I had --

23 Q Is it your understanding that once sexual abuse
24 involving a particular child and a particular perpetrator
25 has been disclosed and reported, your obligation to